

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KIMBERLY FOSTER,

Plaintiff,

vs.

CITY OF DETROIT, *et al.*,

Defendants.

CASE NO. 03-75170

HON. DENISE PAGE HOOD
U.S. DISTRICT JUDGE

HON. R. STEVEN WHALEN
U.S. MAGISTRATE JUDGE

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation dated January 23, 2006. To date, neither party has filed objections to this Report.

Magistrate Judge Whalen concluded that Plaintiff has not alleged genuine issues of material fact sufficient to support her asserted Fourth and Fourteenth Amendment claims. The Magistrate Judge reasoned that the brief, visual, non-contact strip-search of pretrial detainees held pursuant to felony arrest warrants is narrowly tailored to further the institutions security interests. The Magistrate Judge further found that Plaintiff has not brought forth sufficient facts to support the proposition that Defendant had a policy of allowing male officers to witness or participate in strip-searches of women detainees. Magistrate Judge Whalen recommended that this Court deny Plaintiff's Motion for Summary Judgment and grant Defendant's Motion for Summary Judgment.

This court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS SO ORDERED that the Report and Recommendation of Magistrate Judge R. Steven Whalen, dated August 15, 2005 is ACCEPTED and ADOPTED AS THIS Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [**Docket No. 33, filed May 16, 2005**] is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [**Docket No. 36, filed August 12, 2005**] is GRANTED.

IT IS FURTHER ORDERED that this matter is DISMISSED with prejudice as to the Wayne County Sheriff's Department and all named Wayne County Sheriff's Department personnel.

s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED: February 28, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 28, 2006, by electronic and/or ordinary mail.

s/William F. Lewis
Case Manager